

FILED

USDC, WESTERN DISTRICT OF LA
TONY H. MOORE, CLERK

DATE 11/30/09

BY TJ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

UNITED STATES OF AMERICA

*

CRIMINAL NO. 08-333

VS.

*

JUDGE MELANÇON

JOSEPH RAY BERNARD

*

MAGISTRATE JUDGE HILL

JUDGMENT

For the reasons orally assigned at the hearing conducted on September 4, 2009, and the Report and Recommendation of the Magistrate Judge, after an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own. Accordingly, it is

ORDERED that the guilty plea entered by Joseph Ray Bernard on September 4, 2009, before Magistrate Judge C. Michael Hill is accepted by this Court, pursuant to the provisions of Federal Rule of Criminal Procedure 11.

THUS DONE AND SIGNED, at Lafayette, Louisiana, on this 30th day of November, 2009.



TUCKER L. MELANÇON
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO. 08-0333
VERSUS	*	JUDGE MELANCON
JOSEPH RAY BERNARD	*	MAGISTRATE JUDGE METHVIN

FINAL JUDGMENT OF FORFEITURE

WHEREAS, on September 18, 2009, this Court entered a Preliminary Order of Forfeiture, ordering defendant to forfeit, one (1) Lorcin .380 caliber pistol, serial number 534349; and six (6) .380 caliber bullets, and

WHEREAS, the United States caused to be published notice for thirty (30) consecutive days on an official government internet site (www.forfeiture.gov) notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law and as specified in the Preliminary Order, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property; and

WHEREAS, no timely claim has been filed; and

WHEREAS, the Court finds that defendant had an interest in the property that is subject to forfeiture pursuant to 18 U.S.C. § 924(d);

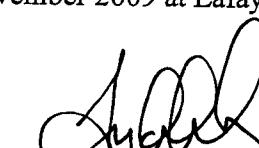
NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that one (1) Lorcin .380 caliber pistol, serial number 534349; and six (6) .380 caliber bullets are hereby forfeited to the United States of America pursuant to 18 U.S.C. 924(d).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all right, title and interest to the property described above is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law; and

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order; and

IT IS FURTHER ORDERED that the Clerk of the Court shall forward four certified copies of this Order to the United States Attorney's Office, Western District of Louisiana, 800 Lafayette Street, Suite 2200, Lafayette, Louisiana 70501, Attention: Assistant U.S. Attorney Daniel J. McCoy.

SO ORDERED this 30 day of November 2009 at Lafayette, Louisiana.



HONORABLE TUCKER L. MELANÇON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Joseph Ray Bernard

Defendant.

08-CR-00333

DECLARATION OF PUBLICATION

Under 21 U.S.C. § 853(n)(1), and the Attorney General's authority to determine the manner of publication of an Order of Forfeiture in a criminal case, notice of the forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on September 21, 2009 and ending on October 20, 2009. (See, Attachment 1.)

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 21, 2009 at Lafayette, LA.

Jennifer Broussard
Paralegal Specialist

GOVERNMENT
EXHIBIT

A

Attachment 1

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA, LAFAYETTE-OPELOUSAS DIVISION
COURT CASE NUMBER: 08-CR-00333; NOTICE OF FORFEITURE

Notice is hereby given that on September 18, 2009, in the case of U.S. v. Joseph Ray Bernard, Court Case Number 08-CR-00333, the United States District Court for the Western District of Louisiana entered an Order condemning and forfeiting the following property to the United States of America:

Lorcin Engineering, 380 L380 Pistol sn:534349 (08-ATF-028967), which was seized from Joseph Bernard on April 07, 2008 at 1122 S Orange St, located in Lafayette, LA

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file a Petition within 60 days of the first date of publication (September 21, 2009) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The petition must be filed with the Clerk of the Court, 800 Lafayette Street, Suite 2100, Lafayette, LA 70501, and a copy served upon Assistant United States Attorney Daniel J. McCOY, 800 Lafayette Street, Suite 2200, Lafayette, LA 70501. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

Advertisement Certification Report

The Notice of Publication was available on the www.forfeiture.gov web site for at least 18 hours per day between September 21, 2009 and October 20, 2009. Below is a summary report that identifies the uptime for each day within the 30-day period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. Joseph Ray Bernard

Court Case No: 08-CR-00333
For Asset ID(s): See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	09/21/2009	23.4	Verified
2	09/22/2009	23.5	Verified
3	09/23/2009	23.5	Verified
4	09/24/2009	23.5	Verified
5	09/25/2009	23.5	Verified
6	09/26/2009	22.4	Verified
7	09/27/2009	23.5	Verified
8	09/28/2009	23.5	Verified
9	09/29/2009	23.5	Verified
10	09/30/2009	23.5	Verified
11	10/01/2009	23.1	Verified
12	10/02/2009	23.5	Verified
13	10/03/2009	23.6	Verified
14	10/04/2009	23.5	Verified
15	10/05/2009	23.4	Verified
16	10/06/2009	23.5	Verified
17	10/07/2009	23.4	Verified
18	10/08/2009	23.5	Verified
19	10/09/2009	23.5	Verified
20	10/10/2009	23.5	Verified
21	10/11/2009	23.5	Verified
22	10/12/2009	23.5	Verified
23	10/13/2009	23.6	Verified
24	10/14/2009	23.9	Verified
25	10/15/2009	22.9	Verified
26	10/16/2009	23.5	Verified
27	10/17/2009	23.4	Verified
28	10/18/2009	23.5	Verified
29	10/19/2009	23.5	Verified
30	10/20/2009	23.3	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.